

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

March 26, 2002      LB 1040

And part of that is that there's a very aggressive enforcement process in Lincoln County. Next, why...why is the county attorney representing these matters? He doesn't have any choice in the fact that there's an appeal made and that the Attorney General has declined, for whatever reason, to do this and so the responsibility has been assigned to the local county attorney. So he's kind of caught in a box. And I have visited with our county attorney and I know he feels kind of sheepish about the whole situation, but the district judge is the one that's ordering the...the amount of money, so what's he supposed to do? I think a bigger question probably is, how did we get into this box in the first place? The issue is that, by statute, the responsibility for this is under the Attorney General. The Attorney General, if you will recall last year when we had the same issue, had put on all of these that he was disqualified. Well, he wasn't disqualified; he just didn't do it. He didn't want to do it, so he assigned it to the county attorneys to do. And this year, before our Appropriations Committee, the Attorney General came and asked for additional budget for him to carry out this...this duty and, as Senator Connealy has mentioned, he was asking for over \$200,000 to...to afford this particular program. Now, I don't know whether that's an appropriate amount of money, but these are not that mind challenging to do the administrative law hearings, and I think if we don't get this situation straightened out, we're going to have a big problem in how to even function under the administrative law hearings. A question that you might ask is, if the Attorney General didn't do it and the county attorney refused to do it, what's supposed to happen to these hearings? I mean we don't have anybody then to enforce that administrative law hearing and I think there's where you start to get the breakdown. So the responsibility of the county attorney has been that the Attorney General can't do it or won't do it, for whatever reason, if we're going to enforce these matters, then I have to do it; if I have to do it, then the district judge is going to award \$500. It's not that he's asking for \$500. The district judge has not said detail by hour. He said simply that if you have an ALR hearing...ALA hearing that you're going to be paid \$500, period. So it puts the county attorney in a very difficult spot, one that he didn't ask to be put in. It's simply as a result of the...of the process. So...so we're talking now about, I think Senator